

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Case Caption **GUY v. ABSOPURE WATER**
Case Number **20-12734**

JURY QUESTION DURING DELIBERATION

We, the Jury, have
reached a Verdict

s/Jury Foreperson

In compliance with the Privacy Policy
adopted by the Judicial Conference,
the verdict form with the original
signature has been filed under seal.

FOREPERSON

Date: 12/18/2023

Time: 2:30 pm

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JURY QUESTION DURING DELIBERATION

for Question 2 (d) does the average
pertain to only 2017 to present? or
does it pertain to the employee's
entire employment time?

Or does the average taken only during
the term in which he drove the vehicle?

s/Jury Foreperson
In compliance with the Privacy Policy
adopted by the Judicial Conference,
the verdict form with the original
signature has been filed under seal.

FOREPERSON

Date: 12/18/2023

Time: 10:35 AM

Ladies and gentlemen: Regarding your question about 2(d), please set forth the average number of times per month each Plaintiff drove a vehicle weighing 10,000 pounds or less going back to 2018; if the number is different going back to 2017, set forth the number going back to 2017. If the numbers are the same, set forth one number.

Judge Goldsmith 12/18/23, 12:20 p.m.

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JURY QUESTION DURING DELIBERATION

Can we please see Declarations for
Lucas Belonga & all Plaintiffs

Can we see Exhibits 1 & 2 (Plaintiffs)

s/Jury Foreperson

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adopted by the Judicial Conference,
the verdict form with the original
signature has been filed under seal.

FOREPERSON

Date: 12/18/23

Time: 10:30

Ladies and gentlemen: Regarding your questions about seeing the declarations and Plaintiffs' exhibits one and two, none of these documents was admitted into evidence.

Judge Goldsmith 12/18/23, 11:00 a.m.

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JURY QUESTION DURING DELIBERATION

Is their hourly rate ~~only~~ used by
forensic accountant using only daily
rate; or daily rate plus commissions

s/Jury Foreperson

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adopted by the Judicial Conference,
the verdict form with the original
signature has been filed under seal.

FOREPERSON

Date: 12/18/2023

Time: 10:04

Ladies and gentlemen of the jury: Some of the Plaintiffs' exhibits contain information regarding some of the Plaintiffs who are no longer participating in this case. They include the following individuals: Dwane Armstead, Boaz Householder, Matthew Jackson, Ricardo Lammer, Jess Skonieczny, and Eric Banks. You should disregard such information.

Judge Goldsmith 12/18/23 8: 50 am.

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JURY QUESTION DURING DELIBERATION

Why wasn't Art allowed to testify?

If applicable, what is the significance of the time spent driving a Sprinter Van and how does this factor into the MCA?

s/Jury Foreperson

In compliance with the Privacy Policy adopted by the Judicial Conference, the verdict form with the original signature has been filed under seal.

FOREPERSON

Date: 12/18/2023

Time: 9:43 AM

Ladies and gentlemen: Regarding your question about Art Amelotte, the Court did not preclude him from being called as a witness. Regarding your question about driving the Sprinter Van, please review all the instructions, including specifically pages 20 and 25 discussing the small vehicle exception. Regarding your question about hourly rate, it includes daily rate plus commissions.

Judge Goldsmith 12/18/23.

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JURY QUESTION DURING TRIAL

① Did you meet with any of the plaintiffs in
at the end of each work day? ^{this}
A case

② If so, did any of the plaintiffs
routinely work more than 8 hrs per
day?

③ How often in one month or annually
did the plaintiffs typically work
Saturdays?

Asked 12-19-23

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*please
start
here*

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** As a representative
for Absopure*

JURY QUESTION DURING TRIAL

*→ Did the plaintiffs upon hire sign
any paperwork indicating they were
salaried workers?*

*Asks 12-13-23
(on plaintiffs direct)*

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JURY QUESTION DURING TRIAL

Do you account for employees
whose hours are not the same on all
Week days?

Some varied from day to day, was
that data captured in your calculations?

Asked 12/13/23

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JURY QUESTION DURING TRIAL

- ① Did all plaintiffs work a minimum of 9 hours ^{each day} M-F, and 7 hours on some Saturdays?
- ② Plaintiff Danielle Childs claims to have usually worked 6 am - 2 pm, M-F, and some Saturdays 6:15 am - 11 am. Do his pay statements or records indicate differently? In other words, did he work more hours than what he testified to?

Asked 12/13/23

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JURY QUESTION DURING TRIAL

① Did each employee sign paperwork upon being hired indicating if they were hourly or salaried?

② Is the day rate referring to hourly or salaried position?

Asked (over Dis objections)
12-12-23

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JURY QUESTION DURING TRIAL

*Was any paperwork ever signed indicating
if the employee was paid hourly or
salaried?*

Asked. (over Pr objection)

12-11-23

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JURY QUESTION DURING TRIAL

1. Were the logs an Absopure requirement, or did some other entity require them, like because of CDL designation or...?

~~11~~. (This is the first we have heard of these "logs".)

N.T. asked

N.T. relevant

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JURY QUESTION DURING TRIAL Paul

Did plaintiff ever call in or log or
report to employer when he was
finished working for the day
on Tuesdays or Thursdays?
(Hayford) (Petoskey)

12-9-23
Asked

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JURY QUESTION DURING TRIAL

Was There always EXTRA Items on
TRUCK to sale? All Items?
to upsales

WAS There a set Amount on EACH
TRUCK?

12-8-23

Asked

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JURY QUESTION DURING TRIAL

*Question for Judge — For clarification,
is all information in the employee
handbook considered irrelevant for
FLSA? Even exemptions regarding
FLSA?

12-18-23
Discussed with counsel
on record / addressed
with jury on record

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JURY QUESTION DURING TRIAL

When you ended your employment,
did you tell them the reason and
what was that reason?

Did you complain about the lack
of pay for the "plenty of
overtime"?

Asked over 8/18/23
GUY

12-7-23

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JURY QUESTION DURING TRIAL

Lucas.

PTO - how is it determined/calculated?

*Counsel agreed not
to ask this.*

12-7-23

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JURY QUESTION DURING TRIAL

DO EMPLOYEES GET A DAILY WAGE
ON SATURDAYS - - - IF SO, HOW MUCH.

WHO ACQUIRES MORE CUSTOMERS

12-17-23
asked

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JURY QUESTION DURING TRIAL

If the Saturday deliveries were entered
into Monday's deliveries you were paid
for those Saturday deliveries, right?
• the "production pay"

12-7-23
arkel

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JURY QUESTION DURING TRIAL

Kevin Brown

How was he paid by Employer?

Independent Sales ¹⁰⁹⁹ or Employee wa?

Is the handheld recorder carried

with the witness or on his person/vehicle
throughout the day?

Does witness believe Complaints would
be kept confidential?

All asked
12-7-23

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JURY QUESTION DURING TRIAL

- ① what time were you supposed to be at the warehouse to start work?
• per the employer
- ② what does term "daily rate" mean?
I thought this was hourly pay
Is daily rate = 8 hours x hourly rate?
- ③ Did the employer ever instruct that you needed to verify / or correct the time / date of handheld for accuracy?
- ④ Was the days work "deliver everything on the route and then come back"?
In other words, ~~if~~ it however long it takes, if it takes ~~whether it's~~ 7 hours or 10 hours... that is your work day?

Asked 12-6-23

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JURY QUESTION DURING TRIAL

~~(Original evidence to present and)~~

What is the difference between a
'cooler bonus' and 'commission'

12-6-23

Arkel

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JURY QUESTION DURING TRIAL

Question for judge - Why should we disregard
commission work? Were the employees not
on commission? Would like clarification please?

12-6-23

As asked, This was
given to Judge during
voir dire and then shown to
counsel.